

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

GERRY MONROE,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION 4:19-CV-01991
	§	
HOUSTON INDEPENDENT SCHOOL	§	
DISTRICT,	§	
	§	
Defendant.	§	JUDGE EWING WERLEIN, JR.

**DEFENDANT’S DESIGNATION OF EXPERT WITNESSES**

TO: Plaintiff Gerry Monroe, by and through his attorney of record, Scott Newar, 440 Louisiana, Suite 900, Houston, Texas 77002.

Pursuant to the Federal Rules of Civil Procedure, Houston Independent School District (“HISD”) serves this designation of expert witnesses. HISD reserves the right to supplement or amend these designations as additional information becomes available during the discovery period.

HISD currently anticipates it may call the following expert witnesses to testify in this matter:

1. Eric J.R. Nichols  
Butler Snow LLP  
1400 Lavaca Street, Suite 1000  
Austin, TX 78701  
(737) 802-1800

Mr. Nichols is counsel of record for HISD in this case. He is a partner at the law firm Butler Snow LLP, has been practicing law in Texas for approximately 30 years, and is familiar with the reasonable, usual, and customary fees charged by attorneys with respect to the matters in this litigation.

Mr. Nichols may testify regarding the reasonableness (or unreasonableness) and/or necessity of attorney's fees claimed to have been incurred by Plaintiff Gerry Monroe in this case. In reaching his opinions, Mr. Nichols will consider a variety of factors, including but not necessarily limited to the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly;
- (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fees customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyers performing the services; and
- (8) whether the fees are fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

Mr. Nichols may also testify regarding the reasonableness of the hourly rates purportedly charged by Plaintiff's counsel, and may testify concerning whether those rates are consistent with the rates charged in the Southern District of Texas on matters of similar subject matter and complexity.

A copy of Mr. Nichols's resume is attached as **Exhibit A**. It is anticipated Mr. Nichols will review and rely upon time sheets or other documents reflecting billing rates and work performed by Plaintiff's counsel in reaching his opinions, though such documents have not been produced as of the date of this designation.

Respectfully submitted,

**BUTLER SNOW, LLP**

By: /s/ Eric J.R. Nichols

Eric J.R. Nichols  
State Bar No. 14994900  
S.D. Tex. ID No. 13066  
1400 Lavaca Street, Suite 1000  
Austin, Texas 78701  
Telephone: (737) 802-1800  
Facsimile: (737) 802-1801  
[eric.nichols@butlersnow.com](mailto:eric.nichols@butlersnow.com)

**ATTORNEY-IN-CHARGE  
FOR DEFENDANT HISD**

**OF COUNSEL:**

Karson K. Thompson  
State Bar No. 24083966  
S.D. Tex. ID No. 2878342  
1400 Lavaca Street, Suite 1000  
Austin, Texas 78701  
Telephone: (737) 802-1800  
Facsimile: (737) 802-1801  
[karson.thompson@butlersnow.com](mailto:karson.thompson@butlersnow.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2020, I caused a copy of the foregoing to be served upon the following counsel by the methods listed below:

***Via email: newar@newarlaw.com***

Scott Newar  
The Law Office of Scott Newar  
440 Louisiana, Suite 900  
Houston, TX 77002  
**Attorney for Plaintiffs**

/s/ Eric J.R. Nichols

Eric J.R. Nichols

# **Exhibit A**

## **ERIC J.R. NICHOLS**

1400 Lavaca Street, Suite 1000  
Austin, Texas 78701  
737-802-1807 (office phone)  
[eric.nichols@butlersnow.com](mailto:eric.nichols@butlersnow.com)

### **Partner, Butler Snow LLP**

My trial and appellate work concerns disputes, both civil and criminal. This includes commercial and contractual matters, business tort and fraud claims, lending disputes, environmental claims, intellectual property disputes, shareholder and LLC member disputes, securities matters, employment claims, and personal injury and wrongful death claims. I also represent public entities and officials, companies, and individuals in matters related to federal and state enforcement, both criminal and civil, in the areas (among others) of health care, insurance, Foreign Corrupt Practices Act, False Claims Act, government contracting, securities, environmental laws, and tax. My practice also involves internal corporate investigations, representing companies or corporate officers or employees. I have represented public agencies and entities, companies, and individuals in such matters. In my private practice, I have also continued to assist local Texas jurisdictions with criminal investigations and/or prosecution of particular cases as State's attorney pro tem or as an appointed assistant prosecutor for a jurisdiction. 2019 to present.

### **Previous Legal Experience**

#### **Deputy Attorney General for Criminal Justice, Office of the Texas Attorney General**

In this role I assisted in managing and overseeing the Attorney General Office's prosecutors, peace officers, and investigators in the investigation and prosecution of criminal matters, including prosecutions in the areas of violent crime, crimes against children, and white-collar crime, including cybercrimes, public corruption, and Medicaid fraud. I also assisted in oversight of the Attorney General's programs to assist crime victims throughout the State and the Post-Conviction Litigation Division, which represents the State in federal proceedings that contest the validity of criminal convictions and sentences from Texas state courts. The five Criminal Justice divisions of the Attorney General's Office included over 500 employees involved in all aspects of the criminal justice system throughout the State. In addition to the management role I also maintained an active trial and appellate docket. 2006-2011.

Partner, Beck Redden LLP

At the Beck Redden firm I maintained a civil and white-collar criminal trial and investigations practice, and also briefed and argued civil appeals. I joined the firm (then known as Beck, Redden & Secrest, L.L.P.) in 1994 as an associate, became a partner in the firm on January 1, 1997, and rejoined the firm in 2011 after serving four years with the Texas Attorney General. 1994-2006, 2011-2018.

Assistant United States Attorney, Southern District of Texas

Working with various federal and Texas state law enforcement agencies, I engaged in matters, prosecutions, and trials involving white collar crime (including health care fraud, business fraud, bankruptcy fraud, and labor fraud), violent crime (including firearms violations, bank robbery, and alien smuggling), and drug smuggling and distribution cases. I also argued appeals before the United States Court of Appeals for the Fifth Circuit. I also served as Security Officer for the Southern District, achieving Top Secret security clearance. 1991-1994.

Law Clerk, Judge David Hittner

United States District Court for the Southern District of Texas. I assisted Judge Hittner in trial proceedings and in drafting orders and opinions. I also participated in Continuing Legal Education programs as a speaker and in drafting program materials. 1989-1991.

**Bar Admissions, Affiliations, and Recognitions**

State Bar of Texas, 1989.

Board Certified in Criminal Law by the Texas Board of Legal Specialization.

United States Supreme Court.

United States Court of Appeals for the Fifth Circuit.

United States District Courts for the Eastern District of Texas, Northern District of Texas, Southern District of Texas, and Western District of Texas.

Fellow, American College of Trial Lawyers.

Member, American Board of Trial Advocates.

Director, Texas Board of Criminal Justice (board overseeing Texas Department of Criminal Justice) (January 2020 to present).

Grievance Oversight Committee of the Supreme Court of Texas (Chairman, 2017-2018; Vice Chair, 2016-2017).

Founding Master, Barbara Jordan Inn of Court (Austin-based chapter of the American Inns of Court, Executive Committee 2016 to present, Inn President 2019-2020).

Trustee, The University of Texas Law School Foundation (2016 to present).

Member, Texas Association of Defense Counsel (Director, 2016 to 2018).

Fellow, Texas Bar Foundation.

Fellow, Austin Bar Foundation.

Member, National Association of Criminal Defense Lawyers.

Member, Texas Criminal Defense Lawyers Association.

Member, Austin Criminal Defense Lawyers Association.



Member, Austin Bar Association (Director, Civil Litigation Section, 2011-2015).  
Member, Houston Bar Association, 1989-2006 (Chair, Federal Practice Section, 1998-1999; Vice-Chair, Federal Practice Section, 1997-1998; Co-Chair, Interprofessional Relations Committee, 1996-1997).  
Garland Walker Inn of Court (Houston-based chapter of the American Inns of Court); Board of Directors, 2003 to 2006.  
Red Mass Committee, Galveston-Houston Archdiocese of the Catholic Church (sponsors annual event for judges, attorneys, and clergy) (Chair, 2001-2005).  
Member, United States Magistrate Judge Selection Committee (appointed by United States District Court for the Southern District of Texas), 2000.  
Martindale Hubbell™ AV Preeminent rated.  
Texas “Super Lawyer” as recognized by peers and published in *Texas Monthly*, 2003 (first year of survey) to 2009, 2013 to present.  
Named by *Best Lawyers in America* as “Austin Criminal Defense: White Collar Lawyer of the Year” for years 2014-2018.  
Named by *Best Lawyers in America* as “2018 Lawyer of the Year: Bet-the-Company Litigation (Austin).”  
Named by *Benchmark Litigation* as “Local Litigation Star,” 2018.  
Named by *Chambers USA* as “Ranked Lawyer” for Litigation: General Commercial (Texas).  
Named as a “Lawyer of the Year – Texas,” *Wall Street Journal*, 2017.  
Named as a “Lawyer of the Year” in Austin and San Antonio, *Austin Monthly*, 2017.  
Named by *Benchmark Litigation* as a “Future Star in Litigation,” 2014.  
2013 Top Rated Lawyer in White Collar Criminal Defense by American Lawyer Media and Martindale-Hubbell™.  
Lone Star Award (for service to the State of Texas as a prosecutor), Texas District and County Attorneys Association, 2010.  
Profiled by *Texas Lawyer* as one of “40 Under 40” judges, lawyers, and law professors “across the state whose accomplishments distinguish them among their peers,” 2001.

### **Representative Articles and Speeches**

Co-Author, BUSINESS AND COMMERCIAL LITIGATION IN FEDERAL COURTS, Chapter 34 Jury Selection, Thomson Reuters Publishing (4th ed. 2017) (1st ed. 1998).  
Co-Author, ESI Discovery in Texas Criminal Practice, ESSENTIALS OF E-DISCOVERY, State Bar of Texas Publications (1st ed. 2014, second edition forthcoming).  
Speaker, Return to the YFZ Ranch, TEX-ABOTA Summer Round-Up, Santa Fe, NM (June 2018).  
Speaker, Perspectives From the YFZ Ranch: Seven Years Later, Texas Attorney General’s Office, Austin (October 2015).  
Speaker and Author, White Collar Crime: Criminal Side of Business, State Bar of Texas CLE Business Disputes Course, Houston (September 2014).

Speaker, Dealing with the Media: When Your Case is Up Front and Center, Texas Association of Defense Counsel 2014 Annual Meeting, San Antonio (September 2014).

Speaker, The Fundamentalist Church of Jesus Christ of Latter-Day Saints in Texas, Mormon History Association National Conference, San Antonio (June 2014).

Speaker, Courts of Inquiry, Austin Bar Association Civil Litigation Section, Austin (March 2013).

Speaker, Perspectives From the YFZ Ranch: Crossroads of the Constitution and Law Enforcement, Teachers' Law School, Austin (August 2010, 2011, 2012).

Speaker, Effective Use of Demonstrative Exhibits, Texas Association of Defense Counsel Summer Conference, Destin, Florida (July 2012).

Speaker and Author, Lessons from the YFZ Ranch, State Bar of Texas CLE Advanced Criminal Law Seminar, San Antonio (July 2012).

Speaker and Author, Perspectives from the YFZ Ranch: A Crossroads for the Constitution and Criminal Law, State Bar of Texas Annual Meeting; Houston (June 2012).

Speaker, Electronic Evidence in Criminal Cases, Texas Judicial College, Austin (April 2012).

Speaker, Right to an Impartial Jury: What Does That Mean?, Bill of Rights: Hidalgo County Bar Association Criminal Law Conference, McAllen (February 2012).

Speaker, Lessons from the YFZ Ranch, TEX-ABOTA Annual Summer Conference, Santa Fe, New Mexico (June 2011).

Speaker, When Child Victims Cannot Speak: Observations From the YFZ Ranch Cases, Protecting Texas Children Conference, Houston (April 2010).

Speaker, Medicaid Fraud Enforcement: Investigation and Prosecution, American Health Lawyers Association, San Francisco, CA (July 2008).

Speaker, State Bar of Texas Paralegal Section Annual Luncheon, Houston (October 2007).

Author and Speaker, Crawford v. Washington Update, Texas Center for the Judiciary 2007 Criminal Justice Conference, Dallas (May 2007).

Author and Speaker, Walking the (Sometimes) Thin Line Between Civil Cases and Criminal Investigations, Houston Bar Association, Houston (May 2006).

Author and Speaker, American Inns of Court, Garland Walker Inn, Houston (2001-2007); Barbara Jordan Inn, Austin (2016-present).

Author and Speaker, Arranging for the Joint Defense: White Collar Crime for the Civil Practitioner, State Bar of Texas, Houston (November 2002).

Author and Speaker, Voir Dire, Advanced Civil Trial Course, State Bar of Texas, Houston, (October 2002).

Speaker, The View from the Federal Bench: Practice Tips, Advanced Civil Trial Course 2002, State Bar of Texas, Houston (October 2002).

Author and Speaker, Technology That Even a Lawyer Can Use, Texas Association of Defense Counsel Annual Meeting, Dallas (September 2002).

Author and Speaker, Successful Strategies for Winning Commercial Cases in Federal Courts: Depositions, Houston Bar Association, Houston (September 2002).

Author and Speaker, Federal Rules of Civil Procedure and Evidence, Legal Assistant University, State Bar of Texas, Houston (September 2002).

Author and Speaker, Voir Dire, Advanced Civil Trial Course 2002, State Bar of Texas, Houston (August 2002).

Author and Speaker, Updating the Summary Judgment Practice, Collections, Consumer Law and Ethics Institute, Stromar Educational Services, Houston (May 2001).

Speaker, Winning Motions in Federal Court 2000, The Rutter Group, Houston (June 2000).

Author and Speaker, Summary Judgment Update, Creditor's Rights Seminar, Stromar Educational Services, Houston (March 2000).

Faculty Member, 1999 Trial Academy, Texas Association of Defense Counsel, Houston (February 1999).

Speaker, Naturalization Ceremony, Houston (December 1998).

Speaker, The New Discovery Rules and How They Change Your Practice, Litigation and Trial Tactics Seminar, University of Houston Law Foundation, Houston (December 1998).

Moderator, Fifth Annual Judges' Workshop: Impact of Jury Selection on Your Trial Verdict, A Federal and State Perspective, PricewaterhouseCoopers, Houston (November 1998).

Author and Speaker, Summary Judgments, Advanced Civil Litigation Seminar, University of Houston Law Foundation, Houston and Dallas (April 1998).

Speaker, Legal Malpractice Pitfalls, Houston Bar Association, Houston (October 1997).

Speaker, Effective Use of Demonstrative Evidence, Texas Association of Defense Counsel, Austin (September 1997).

Moderator and Speaker, Attorney-Conducted Versus Judge-Conducted Voir Dire: Merits and Mechanics, Houston Bar Association Federal Practice Section, Houston (July 1997).

- Co-Author, Federal Review of Capital Cases and Selected *Batson* Issues, *Batson* Challenges in Voir Dire (update), New York State District Attorneys Association, New York, NY (March 1997).
- Author and Speaker, *Batson* Challenges in Voir Dire, Advanced Civil Trial Law Conference, South Texas College of Law, Houston (March 1996; March 1995). Co-Author, Jury Selection in Federal Civil Litigation (update), National Pharmaceutical Litigation Conference, Pasadena, CA (October 1995).
- Co-Author, Jury Selection in Federal Civil Litigation (update), Mississippi Chapter, Federal Bar Association, Jackson, MS (June 1995).
- Co-Author and Speaker, Jury Selection in Federal Civil Litigation, Federal Civil Litigation Under the New Rules, University of Houston Law Center, Orlando, FL (April 1994).
- Speaker, Federal Rules Amendments and Other “Hot Topics”, The Rutter Group, Houston (November 1993).
- Author and Speaker, The Application of *Batson* in State and Federal Criminal Trials, Advanced Criminal Law Short Course, University of Houston Law Center, Dallas (October 1993).
- Author and Speaker, The Expansion of *Batson* in State and Federal Criminal Trials, Advanced Criminal Law Short Course, University of Houston Law Center, Houston (November 1992).
- Co-Author, Jury Selection in Federal Civil Litigation: General Procedures, New Rules, and the Arrival of *Batson*, 23 TEXAS TECH L. REV. 407 (1992).
- Co-Author, The Special Interrogatory in Intellectual Property Trials, Intellectual Property Litigation in Technology Cases Institute, Prentice Hall Law & Business, New York, NY (October 1992).
- Co-Author, Goals and Techniques in Attorney Jury Selection, 1992 Institute for Corporate Counsel, The University of Southern California/Los Angeles County Bar Association, Los Angeles, CA (March 1992).
- Editorial Assistant, RUTTER GROUP PRACTICE GUIDE: FEDERAL CIVIL PROCEDURE BEFORE TRIAL – FIFTH CIRCUIT EDITION (1992).
- Co-Author, The Expansion of *Batson* in Civil and Criminal Litigation, THE HOUSTON LAWYER, Sept.-Oct. 1991.
- Co-Author, Jury Selection in Federal Civil Litigation (update), Federal Civil Litigation Program, University of Houston Law Center, Dallas (July 1990; May 1991; July 1992), San Francisco, CA (June 1991; July 1992).
- Speaker, Saturday Morning in Court: U.S. District Court, Houston Bar Association, Houston (February 1990, January 1991).

Co-Author, The Jury Charge in Intellectual Property Law Cases, Intellectual Property Law Institute, Austin (March 1990).

Speaker, Saturday Morning in Court: Practice in United States District Court, State Bar of Texas, San Antonio (March 1990), Fort Worth (March 1991).

Author, Preserving Pro Se Representation in an Age of Rule 11 Sanctions, 67 TEXAS L. REV. 351 (1989).

## **Education**

### University of Texas School of Law

J.D. 1989, Honors.

Editor-in-Chief, *Texas Law Review*, 1988-1989. Outstanding Federal Practice and Procedure Note Award. Outstanding Second-Year Law Student Award. Member, Legal Research Board. Best Memo Award.

### University of Virginia

B.A. 1985, English and History, With Distinction (Honors).

Dean's List, 1982-1985. Echols Scholar (top 5 percent of entering class). Intermediate Honors (end of second year). Omicron Delta Kappa (national honor society). Raven Society (school honorary society). Student Leadership Council. Lawn Resident, 1984-1985. Finalist, Pete Gray Award.